



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AUG 15 2012

Mr. James Wyckoff

Franklin Lakes, NJ 07417

RE: MUR 6623  
James Wyckoff

Dear Mr. Wyckoff:

On January 6, 2012, the Federal Election Commission ("Commission") notified you that the Commission, in the normal course of carrying out its supervisory responsibilities, had ascertained information indicating that you may have violated the Federal Election Campaign Act of 1971, as amended. On July 31, 2012, and after considering all the information, the Commission dismissed this matter as it pertains to you. The Factual and Legal Analysis is enclosed for your information.

The Act provides that "no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution." 2 U.S.C. § 441f. The Commission cautions you to take steps to ensure that your conduct is in compliance with the Act and the Commission's regulations.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Lebeaux".

Susan L. Lebeaux  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

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# **FEDERAL ELECTION COMMISSION**

## **FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: James Wyckoff

MUR-6623

### **I. INTRODUCTION**

This matter was generated based on information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

### **II. FACTUAL AND LEGAL ANALYSIS**

#### **A. Factual Summary**

Information available to the Commission indicates that Scalise for Congress ("Committee"), the principal campaign committee of Representative Stephen Scalise, who was the successful 2008 candidate for the First Congressional District of Louisiana, had received contributions in 2007 from William A. Bennett that reportedly had been made in the names of Melanie Detloff, Julie Ott and James Wyckoff for \$2,300 each. The contributions in issue relate to the March 8, 2008, Louisiana Republican special primary election. On its 2007 Year-End Report, the Committee identified Bennett, who also contributed \$2,300 on the same date as the others, as a Benetech executive and contributor Wyckoff as the owner of United Properties Development in New Jersey. There are no employers listed for contributors Ott and Detloff. According to public sources, Benetech is a limited liability company headquartered in New Orleans for which Bennett reportedly serves as President and Julie Ott as Chief Administrative Officer. See BENETECH, <http://www.gobenetech.com/about/> (last visited June 19, 2012). Publicly available state marriage records and Commission records that Melanie Detloff was formerly Bennett's spouse. See ANCESTRY.COM,

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<http://search.ancestry.com/search/db.aspx?dbid=1100> (Nevada Marriage Index, 1956-2005) (reporting marriage between Melanie R. Detloff and William A. Bennett on July 24, 2004); Romney for President, Inc., April 15 Quarterly Report at 344 (Apr. 13, 2007) (reattributing \$2,100 of contribution from William Bennett to his spouse, Melanie Bennett).

On June 21, 2011, after consulting with the Reports Analysis Division, the Committee filed a Form 99, which informed the Commission that:

On December 19, 2007, the Scalise for Congress campaign received four checks as part of a fundraising event. These checks were in the amounts of \$2,300 each from William Bennett, Julie Ott, James Wyckoff and Melanie Detloff. On June 15, 2011, the campaign was notified by a donor, William Bennett, that he reimbursed the other three individuals named above for their respective contributions to the Scalise for Congress campaign. Before this notification on June 15, 2011, the campaign never had any information that would have led to question the validity of the checks. The checks in question were reported on the FEC report filed for the fourth quarter 2007.

The Committee further explained that it would disgorge all four of the contributions, totaling \$9,200, to the U.S. Treasury. The Committee did so on June 21, 2011. See Scalise for Congress, July 15 Quarterly Report at 96 (July 14, 2011).

The Commission notified Wyckoff that this information had come to its attention in the normal course of carrying out its supervisory responsibilities. Wyckoff did not submit a Response to the Commission's notification. Information available to the Commission also indicates that Bennett asked each of the individuals who made these contributions, to write checks in the amount of \$2,300 made payable to the Committee, and that Bennett had stated that he was at the maximum individual contribution limit and needed the conduit donors to

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contribute. Bennett reportedly further stated that he would reimburse each of them for the contribution.

**B. Legal Analysis**

The Federal Election Campaign Act of 1971, as amended (the "Act") provides that "no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution." 2 U.S.C. § 441f. Information available to the Commission indicates that Bennett asked Wyckoff and the other conduits to contribute and promised to reimburse them. It appears that Wyckoff owns a contracting firm, and reportedly served as a consultant to Benetech. The subject contribution is apparently Wyckoff's sole federal contribution to date. We have no information that Wyckoff actively participated in the reimbursement scheme, and it appears he simply acted as a conduit. Based on these circumstances, the Commission dismisses this matter as to James Wyckoff.

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